

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

HTC CORPORATION, et al.,
Defendants.

Civil Action No. 6:16-cv-363

CONSOLIDATED LEAD CASE

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

ZTE CORPORATION, et al.,
Defendants.

Civil Action No. 6:16-cv-375

JOINT STATUS REPORT

Pursuant to the Court's September 11, 2017 Order administratively closing the above-captioned cases (ECF 24 in Case No. 6:16-cv-363 and ECF 12 in Case No. 6:16-cv-375), the parties provide the following joint status report regarding U.S. Patent No. 7,218,923 ("the '8923 patent"), the only patent asserted in this case.

On January 4, 2016, the Patent Trial and Appeal Board ("PTAB") issued a Final Written Decision in IPR2014-01133, finding all claims of the '8923 patent challenged in the proceeding to be patentable. Shortly thereafter, however, the PTAB instituted review in IPR2015-01927, which also related to the '8923 patent. In light of the PTAB instituting review in IPR2015-01927, the Court, upon the parties' motion, severed CCE's claims related to the '8923 patent from Case Nos. 6:13-cv-507 and 6:13-cv-511, created the above-captioned cases, consolidated

the cases for pre-trial purposes, and stayed the consolidated cases pending the resolution of IPR2015-01927 by the PTAB.¹ See ECF 1 in Case No. 6:16-cv-363; ECF 1 in Case No 6:16-cv-375.

After the Court stayed these cases, the PTAB terminated IPR2015-01927 pursuant to the joint motion of the parties in that proceeding. Although IPR2015-01927 was terminated, IPR2014-01133 remained active on appeal. The Federal Circuit heard oral argument on June 7, 2017, and issued a non-precedential decision on July 17, 2017 affirming the PTAB's Final Written Decision. See *HTC Corp. v. Cellular Commcn's Equip., LLC*, Case 2016-1858, 2017 U.S. App. LEXIS 12705 (Fed. Cir. July 17, 2017). The time in which to file a petition for rehearing in that case has since expired. See FED. R. APP. P. 35(c); FED. CIR. R. 40(e). No other *inter partes* review proceedings relating to the '8923 patent are pending, either before the PTAB or on appeal.

In light of the Federal Circuit's affirmance of the PTAB's Final Written Decision in IPR2014-01133, there are no impediments to these cases proceeding. The parties therefore jointly request that the Court place these consolidated cases back on the active docket. The parties also request that the Court set a scheduling conference. Once the Court places the consolidated case back on the active docket, CCE and the Carrier Defendants will immediately file a joint agreed motion to sever and stay the Carrier Defendants, pursuant to the parties' stipulation of February 15, 2017.

Dated: September 21, 2017

Respectfully submitted,

<u>/s/ Edward R. Nelson III</u> Edward R. Nelson III	<u>/s/ Nicole S. Cunningham</u> Nicole S. Cunningham
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¹ The Court also severed claims related to the '8923 patent from Case Nos. 6:14-cv-759 and 6:14-cv-892, and created Case Nos. 6:16-cv-364 and 6:16-cv-365. Those cases have since been dismissed.

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), I certify that the all parties have met and conferred and that this Joint Status Report is unopposed.

/s/ Ed Nelson III

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2017, I electronically filed the foregoing document with the clerk of the Court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Ed Nelson III